

COMPATIBILITY DETERMINATION
for
Sport Fishing
on
San Pablo Bay National Wildlife Refuge

Use: Sport fishing

Refuge Name: San Pablo Bay National Wildlife Refuge, Solano and Sonoma Counties, California.

Establishing and Acquisition Authority(ies):

Migratory Bird Conservation Act of 1929 (16 U.S.C. 715-715d)

Act Authorizing the Transfer of Certain Real Property for Wildlife (16 U.S. C. 667b)

Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544, Stat 884)

Refuge Purpose(s):

San Pablo Bay NWR purposes include:

“... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.”
16 U.S.C. 715d (Migratory Bird Conservation Act),

“... particular value in carrying out the national migratory bird management program.” 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes), and

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species... or (B) plants...” 16 U.S.C. 1534 (Endangered Species Act of 1973).

National Wildlife Refuge System Mission:

The mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.” (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd - 668ee.])

Description of Use(s):

Fishing is one of six priority public uses (the other uses are hunting, wildlife observation, photography, environmental education, and interpretation) promoted in the National Wildlife Refuge System Improvement Act of 1997.

San Pablo Bay navigable sloughs and open waters, much of which is leased from the State of California Lands Commission (SLC) and managed by the Refuge, are extremely important angling waters due to sport fish populations and the proximity to safe road access and boat launches in Vallejo and Port Sonoma. These facilities enable the Refuge to promote additional compatible wildlife-dependent recreation opportunity to the general public and neighboring

communities in Solano, Napa, Sonoma, and Contra Costa counties.

Under the existing lease with SLC, the Service is encouraged to allow "... waterfowl hunting and fishing ... unless it is determined after consultation with the State of California Department of Fish and Game that the area be closed because of the public safety, for waterfowl resource protection, or for administrative purposes." The original lease language is based upon the historic "Public Trust" doctrine, which requires that State-owned tidelands remain open to "commerce, navigation and fisheries."

Sport fishing will initially be allowed from boat access only in the open waters and navigable sloughs of northern San Pablo Bay via boat access only. State of California fishing regulations provide further guidance for this public use opportunity.

Public use opportunities will be implemented in a manner to insure protection for endangered species and migratory birds. At this time, angling will be restricted to boat access only in the open waters and navigable sloughs of San Pablo Bay and minimal impact to the marsh or wildlife is anticipated. However, we expect to develop a wildlife observation/fishing pier on the west levee of the Cullinan Ranch unit. The west levee and the newly constructed wildlife observation/fishing pier will provide access to all ages and abilities. Since boating and fishing is currently occurring within the adjacent tidal sloughs of Cullinan Ranch, the opening of Cullinan Ranch is not expected to increase use in the area by boaters or anglers. However, anglers already using other sites within the area may migrate to the Cullinan site after restoration due to ease and safety of access. So while use at Cullinan may increase, overall use of the marshes for angling will not. When staff, facilities, funding and/or land acquisition/restoration makes it feasible to allow public angling access from shore, specific sites will be designated at that time. Currently only one site at the Cullinan Ranch/Pond 1 levee is being proposed as an angling access site. It will be located within 300 feet of the parking lot on Pond 1 levee. Public use activities will be permitted during daylight hours only. No commercial fishing will be allowed.

Availability of Resources:

Adequate funding and staff exist to manage this activity at current levels on the Refuge. The Refuge office in Petaluma, California provides the sport fishermen an opportunity to obtain information about the Refuge and its public use programs. Fishing on the Refuge fliers will be produced to provide the public with specific information on refuge fishing opportunities.

Anticipated Impacts of the Use(s):

The proposed use would not adversely impact sensitive fish species in the San Pablo Bay. Two sensitive fish species occur within the San Pablo Bay including the Sacramento splittail minnow (*Pogonichthys macrolepidotus*) and the green sturgeon (*Acipenser medirostris*). The splittail has been de-listed (Personal Communication, Mike Nepstad, USFWS). Delta smelt (*Hypomesus transpacificus*) may occur in the bay during large fresh water outflows from the Sacramento delta, but because they are a small (3-inch) fish, they are not likely to be caught. Anglers will be required to adhere to all California Fish and Game regulations.

The proposed use would not impact the ability of the Refuge to protect diverse tidal marsh, seasonal wetland habitats and adjacent transitional uplands critical to the needs of migratory

birds and endangered species. The Service's effort to protect these habitats and resources will be aided by increased public awareness. Restrictions will be enforced. Fishing beyond the open bay waters or navigable sloughs in non-designated sites, into the interior of the marsh or other restricted areas would result in disturbance to endangered species such as the salt marsh harvest mouse (*Reithrodontomys raviventris raviventris*) and California clapper rail (*Rallus longirostris obsoletus*), as well as shorebirds, waterfowl, wading birds, and songbirds. In addition, unauthorized human access in fragile tidal marsh habitat could cause trampling creating a lower quality marsh and creating trails for mammalian predators. Facilities that would create litter will be avoided in sensitive wildlife areas. Future sites and facilities for angling access will be created when staff, facilities, funding and/or land acquisition/restoration makes it feasible in specific areas (e.g., Guadalupe Canal, Pond 1 levee). At this time there is only one shoreline site identified at Cullinan Ranch/Pond 1 levee as compatible for fishing access designation.

Public Review and Comment:

Notice was provided for public review and comment on this compatibility determination on May 1, 2009 for a period of 30 days. This CD was posted at the entry location of the refuge, emails were sent to partners, and public notices were submitted for advertisement in local city/county news press. Following the public review and comment period, comments and Service responses will be summarized here.

Further review of visitor opportunities on the Refuge will be evaluated during the Comprehensive Conservation Plan (CCP). All uses will be re-evaluated and open for discussion at public meetings.

Determination (Check One Below):

_____ Use is Not Compatible

 X Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility:

Sport fishing will be permitted on the Refuge with the following stipulations:

- Monitoring of the fishing program will be conducted by Refuge law enforcement personnel and will encourage compliance with regulations, to protect Refuge resources, and to ensure the safety of the visiting public.
- A "Fish on the Refuge" flyer will be developed by the outdoor recreation planner for the Refuge.
- Fishing opportunities are limited to the open waters and navigable sloughs of the San Pablo Bay.
- No commercial fishing will be allowed.
- Anglers will be required to adhere to all California Fish and Game regulations.
- Littering regulations will be strictly enforced.

Justification:

Sport fishing would allow the visiting public to enjoy, experience, and learn about native fish and plants in these unique and rare habitats of northern San Francisco Bay region. Concerns

about protecting rare native plants and animals, and the overall integrity of the marsh ecosystem, require that fishing opportunities are to be limited to the open waters and navigable sloughs of the San Pablo Bay at this time. Future sites and facilities for angling access will be created when staff, facilities, funding and/or land acquisition/restoration makes it feasible in specific areas.

Mandatory Reevaluation Date (provide year):

 X Mandatory 15-year Reevaluation Date (for priority public uses)

 Mandatory 10-year Reevaluation Date (for all uses other than priority public uses)

Refuge Determination

Prepared by: _____
(Signature) _____
(Date)

Project Leader
Approval: _____
(Signature) _____
(Date)

Concurrence
Refuge Supervisor _____
(Signature) _____
(Date)

Assistant Regional
Director, Refuges
Pacific Southwest
Region

(Date) _____ (Signature)